

**CITY OF FLORENCE PLANNING COMMISSION**  
**January 14, 2014 \*\* MEETING MINUTES \*\***

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**CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE**

Chairperson Cheryl Hoile opened the meeting at 7:00 p.m. Roll call: Commissioners: Curt Muilenburg, John Murphey, Alan Burns, and Robert Bare. Also present: Interim Planning Director Kelli Weese, Public Works Director Mike Miller, Senior Planner Wendy FarleyCampbell, and LCOG Associate Planner Jacob Callister.

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**APPROVAL OF AGENDA**

Commissioner Bare moved to approve the agenda as presented; second by Commissioner Murphey; by voice all ayes, motion approved unanimously.

**APPROVAL OF MINUTES**

Meeting of October 8, 2013

Commissioner Murphey moved to approve the minutes without changes, second by Commissioner Bare, by voice all ayes, motion approved unanimously.

**PUBLIC COMMENTS**

*This is an opportunity for members of the audience to bring to the Planning Commission's attention any items **NOT** otherwise listed on the agenda. Comments will be limited to **3 minutes per person**, with a maximum time of 15 minutes for all items.*

There were no public comments.

**PUBLIC HEARINGS:**

*Chairperson Hoile said there were two public hearings before the Planning Commission that evening. The hearings would be held in accordance with the land use procedures required by the City in Florence City Code Title 2 Chapter 10 and the State of Oregon. Prior to the hearing(s) tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria in the Plan or Land Use Regulations which you believe applies to the decision per ORS 197.763 (5). Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and parties involved an opportunity to respond to the issue may preclude an appeal of this decision based on that issue. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval without sufficient specificity to allow the Planning Commission to respond to the issue that precludes an action for damages in circuit court. Any proponent, opponent, or other party interested in a land use matter to be heard by the Planning Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.*

Chairperson Hoile opened the hearing at 7:04 p.m. and asked if any of the Planning Commissioners wished to declare any conflicts of interest, bias, ex-parte contact or site visits. Chairperson Hoile asked if the public had any challenges to any commissioner's impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

**COAST GUARD RIP RAP – RESOLUTION PC 13 09 CUP 03:** David Stalters, has applied, on behalf of the United States Coast Guard, for a Conditional Use Permit to introduce rip rap along the shoreline for protection of a critical US Coast Guard facility along the Siuslaw Estuary at 4255 Coast Guard Rd. in Florence.

## **Staff Report**

AP Callister discussed the zoning and location of the Coast Guard facility. He stated that the applicant proposed an extensive rip rap revetment installation in order to mitigate erosion. He discussed the zoning and surrounding uses of the site and said that the main contact person for the applicant agency has been Roy Clark.

AP Callister stated that erosion of the shoreline at the Coast Guard facility was causing both a loss of embankment and bottom material. He cited a study which concluded that the bottom material is eroding at a rate of 1-2 feet per year. He said that as erosion continues, sloughing and catastrophic failure could occur.

AP Callister stated that this is important because the Siuslaw River U.S. Coast Guard facility's primary mission is to provide search and rescue to commercial mariners, surfers, and recreational boaters, and this project is essential to conducting these missions in a safe manner. AP Callister provided evidence of what wave action and erosion has done to a site north of the Coast Guard facility. He provided an overview of analyses of rip rap and revetment alternatives done by the Coast Guard.

AP Callister explained that in situations like these, where other agencies have charge over waterways, the City relies on their comments, judgment, and expertise. He provided the referral comments from the Army Corps of Engineers, Oregon Department of Fish and Wildlife, and Department of State Lands. AP Callister explained that the Coast Guard has been working closely with these agencies in order to meet what the agencies may require.

AP Callister stated that the sections of code used to evaluate this proposal were the Florence Realization 2020 Comprehensive Plan; the Coastal Resource Management Plan; and Florence City Code Title 10 Chapters 1, 4, 7, and 19. He explained that the Conditional Use was triggered because of the proposed installation of rip rap to protect an existing use. AP Callister stated that the required Resource Capability Assessment mirrored the Environmental Assessment that was required for state and federal agencies.

AP Callister outlined the conditions of approval, which were approvals shown on Exhibit A (Findings of Fact) and Exhibit B (Site Plan): that the applicant submits to a signed "Agreement of Acceptance" of all conditions of approval; that any removed materials are disposed of in a DEQ-approved landfill or transfer site; that the applicant adhere to outlined conservation measures, with two exceptions requested by AP Callister; that all federal and state permit requirements are met; that developments, as required, meet the requirements of the FEMA National Flood Insurance Program, though no such developments were presently proposed; that construction standards which would minimize the impacts of odor, noise, vibration, and unsightliness; that should a vegetation removal permit be required, the applicant must obtain one; that the approval will expire and be void within one year, should a building permit not be issued; and that in this instance, a DSL permit will substitute for a building permit.

AP Callister recommended that the Conditional Use Permit be approved as conditioned.

## **Questions from Commissioners**

Commissioner Burns had a question concerning the cause of the erosion, which some Sea Watch residents claimed was caused by the Army Corps of Engineers installation of training groins downriver. Commissioner Burns asked if this had been addressed by the Corps of Engineers. AP Callister stated that Mr. Clark would be best able to answer that question.

Commissioner Murphey commented that the erosion was not in locations where rip rap had previously been installed, but rather where there had previously been no revetment.

Commissioner Muilenburg explained that his understanding was that the city would approve the Conditional Use Permit and that the method used would be decided by the Coast Guard and other state and federal

agencies. Commissioner Muilenburg asked if there was something that the City and Planning Commission could do in order to lend support to a preferred viable alternative.

IPD Weese explained that the action of approval by the Planning Commission that evening and the minutes for the meeting would be the most appropriate methods of support the Planning Commission could give to the Coast Guard regarding this proposal and any exchange between the Coast Guard and other agencies.

Commissioner Muilenburg asked an additional question regarding the one year expiration of the Conditional Use Permit, given the limited window in which they could work. IPD Weese mentioned that the applicant had brought that up the day of the meeting as well. IPD Weese explained that the applicant could apply for a one-time extension, but there is no precedence for allotting more time at a hearing.

### **Applicant Testimony**

**Roy Clark – U.S. Coast Guard, Oakland CEU – 1301 Clay Street, Suite 700N, Oakland, CA 94612**

Mr. Clark offered to answer any questions the Planning Commission.

Commissioner Burns addressed his question about training groins to Mr. Clark. Mr. Clark replied that the Coast Guard had addressed this as the problem in their studies, but that the Army Corps of Engineers replied that the structures were performing as designed. Mr. Clark explained that the erosion taking place was, in fact, of sand on a non-reveted shoreline.

Commissioner Muilenburg asked Mr. Clark about ODFW's concerns about wildlife moving with the shoreline. Mr. Clark explained that the rip rap would fill in low-water habitat, up to 10,000 square feet. He explained that he did not believe that the rip rap would have an extensive impact, but did not know what other alternatives would preserve the low-water habitat other than allowing the erosion to continue.

### **Public Hearing**

Chairperson Hoile asked for testimony from the public whether they were an opponent, proponent or neutral, but have a comment. There were no public comments. Chairperson Hoile closed the hearing at 7:38 p.m.

### **Commission Discussion**

Commissioner Muilenburg proposed the removal of Condition 4, Number 3, regarding the presence of a trained sea mammal expert. He also stated regarding the timeframe proposed that the City would likely concur with whatever was decided by the agencies the City was deferring to. AP Callister stated that Condition 4, Number 1, could be changed, but he believed would likely be sufficient as is. Commissioner Muilenburg also suggested allowing for the extension of the project, if necessary.

Commissioners Murphey, Burns, and Chairperson Hoile agreed with Commissioner Muilenburg regarding the removal of Condition 4, Number 3.

Commissioner Burns moved to adopt Resolution PC 13 09 CUP 03 with changes to the conditions as recommended by Commissioner Muilenburg. Commissioner Murphey seconded the motion. By voice all ayes, the resolution was passed.

**GOODMAN'S STORAGE BUILDING DESIGN REVIEW – RESOLUTION PC 13 12 DR 03:** Bob Carroll of Carrollton Designs has applied, on behalf of Goodman's Floor Coverings, for a design review to construct a free standing 2,112 square foot storage building on a vacant lot adjacent to current business.

Chairperson Hoile opened the hearing at 7:40 p.m. Chairperson Hoile asked if any of the Planning Commissioners wished to declare any conflicts of interest, bias, ex-parte contact or site visits. Commissioner

Burns declared a site visit. Commissioner Muilenburg and Chairperson Hoile declared that they had driven by and walked by, respectively. Chairperson Hoile asked if the public would like to challenge any commissioner's impartiality in making this decision. There were no challenges. Chairperson Hoile asked for the staff report.

## **Staff Report**

SP FarleyCampbell introduced the Goodman's Storage Building Design Review application and outlined the Florence City Code criteria applying to the application, including Title 10: Chapters 1, 3, 6, 27, 34, 35, 36, Title 9: Chapter 5, and the Florence Realization 2020 Comprehensive Plan: Chapters 1, 2, and 12 with the applicable policies noted in the Staff Report.

SP FarleyCampbell defined the project area's location, zoning, and previous use as a single-family residence. She said the previous use was important because of the previous utilities that may still exist underground on the site.

SP FarleyCampbell stated that storage buildings are not an approved use within the Mainstreet District, but were permitted when used in conjunction with an approved use. She said that the applicant proposed obtaining access to the site through the alley to the east of the project site, the preservation of native vegetation along Kingwood Street, covered parking along the southern side of the building.

SP FarleyCampbell stated that a Non-Remonstrance Agreement should be signed for future sidewalk improvements, but none were required until stormwater improvements along Kingwood Street were made. She said Staff also recommended a condition that should the applicant propose a trash enclosure in the future, that that enclosure be screened from view. SP FarleyCampbell explained that Condition 7 in the Staff Report's recommendations be that the applicant determine pre-existing utilities on the site.

SP FarleyCampbell detailed that Condition 8 was dependent upon the availability of water pressure in the area without needing to add another fire hydrant. She stated that Fire Marshal Sean Barrett confirmed that there was adequate pressure in the area at this time, but should the water pressure in the future not meet needs, the proposed storage building must be sprinkled.

SP FarleyCampbell summarized that the applicant proposed to sheet drain the project site to the native vegetation area, which is preferred by the applicant in order to minimize the maintenance required by a stormwater system. SP FarleyCampbell stated that staff had concerns because of the elevation changes of the site evident in the site plan, specifically the drainage from the east side of the building draining to the northern side of the site. She stated that Condition 9 was that the applicant determine by calculation if the space is adequate for drainage. SP FarleyCampbell stated that should the 3' buffer not prove adequate, a system be designed to convey the water to the western side of the site that contains the preserved native vegetation.

SP FarleyCampbell went on to explain that Condition 11 was that a traffic bollard of the applicant's choice be installed in order to protect the corner of the building from vehicles. She listed that Condition 12 was regarding driveway approach width. SP FarleyCampbell stated that it appears that applicant has the space necessary to meet the 18 foot requirement because of the two-way traffic proposed.

SP FarleyCampbell stated that Condition 13 was that the applicant was required to provide an ADA Accessible Space because the proposal was considered as a stand-alone proposal, and did not take into account the ADA space provided by the adjacent property. She explained that by code, the applicant would have to join the properties if the applicant wanted to consider the ADA space of the adjacent property as part of this one.

SP FarleyCampbell stated that the architectural details of the building, designed to meet those of the adjacent property, were in keeping with the Downtown Architectural Guidelines and the Mainstreet District. She



stated that the applicant would have to specify the materials used for the siding and trim before construction in order to meet the architectural guidelines when applying for building permits.

SP FarleyCampbell next outlined the applicant's Landscape and Lighting Plan. She stated that the applicant proposed four lighting sources, but the applicant must meet lighting codes for this district. The applicant must, before building, provide the proposed illumination fields. SP FarleyCampbell said that the applicant applied for native vegetation preservation credit, though currently it was not clear if this preservation credit applied for the preservation of the trees, requiring that the tree diameters be measured. SP FarleyCampbell indicated that the applicant stated that they would provide this information. Because of the structure of the preservation credit, SP FarleyCampbell stated that the applicant would have to provide 16 new shrubs. She stated that the applicant would be required to provide the location of these shrubs, submitted as a part of their building permit applicant.

SP FarleyCampbell stated that the zoning district required ADA access to the second floor, but because staff interpreted that the public would not be allowed access to the loft of the storage building, they would not have to meet this requirement. SP FarleyCampbell explained that should access be granted to the public in the future, this area would need ADA access. Furthermore, she explained that future conversion of this unit into a caretaker unit would require a Conditional Use Permit.

SP FarleyCampbell stated that staff recommended approval of the application with the conditions listed.

### **Questions from Commissioners**

Commissioner Muilenburg asked if it was possible that, because of the age of the home previously located on the site, there could be a septic system located there. PWD Miller explained that the sewer lines extended to that area and were present in the area during the time the previous home was built.

Commissioner Muilenburg asked if the applicant would be required to have two parking spaces in addition to one ADA parking space. SP FarleyCampbell stated that one of the two required spaces could be converted to ADA. She stated that should the applicant propose using the ADA parking space at the existing Goodman's building, they would need to tie the lots together.

Commissioner Muilenburg inquired as to what the width of the alley was. SP FarleyCampbell stated that the alley was 16 feet wide. Commissioner Muilenburg asked how the applicant would propose to obtain 18 feet of access into the 16 foot wide alley. SP FarleyCampbell explained that the 18 feet is the two-way curb cut into the alley. Commissioner Muilenburg asked if the applicant would need to provide 18 feet of width for the entire 78 feet width of the lot. SP FarleyCampbell stated that because the alley was a pre-existing non-conforming alley and the proposed use was an accessory to the adjacent Goodman's lot, the applicant would not be required to pave the alleyway.

Chairperson Hoile stated that she was concerned that flooring delivery trucks using the alley may be large semi-trucks. Commissioner Murphey stated that he imagined that they would use their forklifts in the alley. Chairperson Hoile stated that she would ask the applicant.

Chairperson Hoile inquired as to whether neighbors had expressed any concern about the proposal. SP FarleyCampbell stated that the City had not received any written or verbal responses.

### **Applicant Testimony**

#### **Bob Carroll – Carrollton Designs – P.O. Box 141, Mapleton, OR 97453**

Mr. Carroll began by commenting that there was an error on page 3 of the Findings of Fact, section AA, of the last paragraph. He explained that both restrooms would actually be on the lower floor, not one on each floor. Mr. Carroll stated that he would submit drainage and lighting information as requested. He said that

the new siding would be composite-based in order to match the materials of other buildings in the area. He also stated that the roofing would be an asphalt-composition roof in order to match the buildings of the area as well and materials and colors would be submitted at the time of building permit application.

There were no further questions for Mr. Carroll.

**Wayne Goodman – P.O. Box 3194, Florence, OR 97439**

Mr. Goodman replied in response to Chairperson Hoile's previous question. He stated that only smaller trucks would be pulling into the lot to deliver goods and larger trucks would park on Kingwood and deliver by forklift through his existing business's driveway to the alley and then to the project site.

There were no further questions for Mr. Goodman.

SP FarleyCampbell commented that during a previous conversation with Julie Goodman, Mrs. Goodman mentioned that she had inquired into paving the alleyway with Public Works, but was asked not to because of concerns that the paving would result in water draining into the Feed Store.

**Julie Goodman – P.O. Box 3194, Florence, OR 97439**

Mrs. Goodman inquired as to whether a possible shift of the building by a few feet towards Kingwood Street, while still meeting the setback requirements of the site, would create a problem. Commissioner Muilenburg asked if this change would be for vehicle turning radii. Mrs. Goodman stated that it would be for comfort.

Mr. Carroll asked if the footages and new site plans could be resubmitted should the situation prove to be an issue.

Chairperson Hoile asked SP FarleyCampbell to respond. SP FarleyCampbell stated that the applicant had more landscaping than what was required and the setback in this zone is zero feet, so this would likely not be a problem. Chairperson Hoile stated that they should just keep them informed.

Chairperson Hoile excused Mr. Carroll.

**Public Hearing**

**Connie Bradley – 05603 South Shore Drive, Florence, OR 97439**

Mrs. Bradley stated that she and her husband owned the property immediately north of the project site across undeveloped 4<sup>th</sup> Street. She stated that during heavy rain the previous year, the City had to sandbag in front of her property. She inquired as to how the drainage would be taken care of on the north side of the building.

SP FarleyCampbell replied that the applicant proposed sheet draining the east side of the property to the north and did not propose any particular roof drainage. SP FarleyCampbell stated that staff was concerned that the width of the area where this drainage was being directed was not sufficient to meet the drainage needs of the area it is draining. SP FarleyCampbell stated that the house located to the north of 4<sup>th</sup> Street is very close to the property line, which may create an issue. SP FarleyCampbell stated that the applicant would be required to reroute drainage from their site as a condition of approval.

Mrs. Bradley asked SP FarleyCampbell if she knew when the City would begin working on drainage in the area. SP FarleyCampbell stated that PWD Miller might be able to answer her question.

PWD Miller stated that currently Public Works is working on sanitary sewer south of the site, but is planning on making improvements along Kingwood to improve stormwater drainage. Commissioner Muilenburg

inquired as to whether 4<sup>th</sup> Street would be developed. PWD Miller replied that there was a water line in the area, but Public Works was looking into relocating that water line.

Ms. Bradley had no further questions or comments.

Chairperson Hoile asked for the Staff's Response and Recommendations.

IPD Weese asked the Planning Commission if they would like to add a condition to address Mrs. Goodman's question about post-approval design changes. The Planning Commission replied that they would like to add this condition as Condition 16. The condition would be regarding minor modification to the site plan not affecting conditions of approval or applicable code criteria such as a building location shift to the west. IPD Weese suggested that such changes be evaluated through administratively by Planning Staff. The Planning Commission agreed that this option would be best for minor changes to the approval.

Chairperson Hoile closed the hearing at 8:19 p.m.

### **Commission Discussion**

Commissioner Muilenburg expressed concern regarding the location of plumbing fixtures in the storage building. Chairperson Hoile clarified that the floor plans showed that there would be no restroom in the loft. IPD Weese offered to change the Staff Report to reflect this information.

Commissioner Murphey moved to adopt Resolution PC 13 12 DR 03 with the amendment regarding Administrative staff review and clarification regarding restrooms. Second by Commissioner Burns. By voice all aye, the resolution passes.

### **DISCUSSION ITEMS**

Chairperson Hoile asked for discussion items from the Planning Commission. Chairperson Hoile asked if the Planning Commission had received the email about upcoming individual application procedure and a letter regarding Terry Duman. IPD Weese replied that the letter went to Chairperson Hoile because she was the Chairperson, but the letter could be distributed to the rest of the Planning Commission if they would like. Chairperson Hoile replied that she would like them to be included.

IPD Weese explained the situation regarding Mr. Duman and a lot that was cleared without a permit on the southeast side of the intersection of Redwood Street and Highway 126. IPD Weese stated that there were two reasons the lot required a vegetation clearing permit: because of its proximity to Highway 126, and its status as part of a riparian area. IPD Weese stated that the letter was sent to stop clearing and, if noxious vegetation was removed, to solicit the owner for a native vegetation replanting plan. IPD Weese stated that she would forward the letter to the rest of the Planning Commission.

SP FarleyCampbell stated for the record that Mr. Duman had come into the Planning Department the day of the Planning Commission meeting in order to inquire about his next steps and to see what was required of him.

### **DIRECTOR'S REPORT**

IPD Weese stated that the monthly report was included and prepared by SP FarleyCampbell.

IPD Weese stated that planning activity is in keeping with the average established over the past five years.

Chairperson Hoile inquired about new employees in the Planning Department. IPD Weese stated that SP FarleyCampbell had returned from deployment since their last meeting and Glen Southerland had been hired

as a Planning Technician. IPD Weese also stated that the department was searching for a Code Enforcement Officer, previously staffed through the Police Department.

IPD Weese announced that there was a Volunteer Appreciation Luncheon on Wednesday, February 26, 2014.

IPD Weese stated that there were four new land use applications, two of which will be coming before Planning Commission. IPD Weese proposed that the following two meetings be cancelled until February 25, 2014.

IPD Weese updated the Planning Commission on two long-term planning projects taking place with City Council and Lane County. IPD Weese stated that City Council is working on creating parking codes for Old Town and currently the City was working with Lane County to co-adopt the Florence Comprehensive Plan. IPD Weese stated that the Planning Commission should expect to see proposed code changes sometime during the spring.

## **CALENDAR**

The Planning Commission discussed the upcoming calendar. Cancelling the meeting scheduled for January 28, 2014 and February 11, 2014.

Chairperson Hoile adjourned the meeting at 8:30 p.m.

  
Cheryl Hoile, Planning Commission Chairperson

3/7/2014  
Date